

**Back of post card:**

**What Is The Case About?** This lawsuit claims that Schwan's Home Service, Inc. and Customer Elation, Inc. (hereinafter jointly referred to as "Defendants") violated a law called the Telephone Consumer Protection Act ("TCPA") by calling cell phones without prior express consent using an automatic telephone dialing system and/or leaving prerecorded messages during the Class Period: April 18, 2008 through August 31, 2012. Defendants maintain that Class Members actually gave prior express consent and deny that they violated the law or engaged in any wrongdoing.

**Summary of the Settlement:** Under the Settlement, which must be approved by the Court, Defendants have agreed to pay a maximum of \$2,535,280.00, which is comprised of merchandise vouchers for goods purchased from Schwan's Home Service, Inc. and checks (as provided below). Defendants have identified 16,691 Class Members that were called by Defendants during the Class Period. Each Class Member shall be entitled to make a claim for a merchandise voucher, with a value of \$80.00, which shall be used exclusively for the purchase of goods from Schwan's Home Service, Inc., and to receive a check in the amount of \$20.00. Separate from any compensation paid to each claiming Class Member, Class Counsel will seek an incentive award totaling \$3,000 to the Class Representatives, fees in the amount of \$750,000 (approximately 30% of the maximum \$2,535,280), plus actual litigation costs, not to exceed \$30,000. These requested amounts must be approved by the Court. The details of the Settlement terms can be found at [www.\\_\\_\\_\\_\\_.com](http://www._____.com) or by calling 1-800-\_\_\_\_-\_\_\_\_\_.

**Can I Get Compensation from the Settlement?** Yes, if you are a Class Member, make a valid settlement claim, and do not request exclusion, you will be entitled to an \$80.00 merchandise voucher, which shall be used exclusively for the purchase of goods from Schwan's Home Service, Inc., and a \$20.00 check from the Settlement. All merchandise vouchers expire two (2) years after they are issued and are non-transferable.

**How Do I Make A Settlement Claim?** You can make a claim by going online to [www.\\_\\_\\_\\_\\_.com](http://www._____.com) and either 1) completing the online claim form; or 2) printing out the claim form on the web site and mailing it to the address of the Claims Administrator, Kurtzman Carson Consultants ("KCC"), shown below. To make a claim, you will be required to provide: 1) your name; 2) your current phone number and mailing address where the compensation may be sent; 3) an attestation that you received a call on your cellular telephone without your consent; and 4) the telephone number on which you received the allegedly unlawful call.

**Do I Have a Lawyer?** Yes. The Court has appointed the following lawyers as Class Counsel to represent Class Members: Joshua B. Swigart, Hyde & Swigart, 2221 Camino Del Rio South, Suite 101, San Diego, California 92108; and Abbas Kazerounian, the Kazerouni Law Group, APC, 245 Fischer Avenue, Unit D1, Costa Mesa, California 92626.

**What Should I Do?** As a Class Member, you have three options:

(1) You can submit a Claim to the Claims Administrator to request the compensation referenced above by \_\_\_\_\_, 201\_. If the Settlement is approved, you will be bound by the Court's decisions in the lawsuit. You will not have the right to sue separately about the issues in the lawsuit.

(2) You can remain a Class Member but object to the Settlement. To do so, you must send a letter (not an email) identifying yourself as a Class Member and explaining why you object. Your objection must be sent to the Claims Administrator, Class Counsel and the Court and be postmarked no later than \_\_\_\_\_, 201\_. You may choose to pay for and be represented by a lawyer who may send the objection for you. See the website at [www.\\_\\_\\_\\_\\_.com](http://www._____.com) for additional requirements if you intend to appear at the hearing.

(3) You can exclude yourself from the Settlement, and retain any claims you may have against the Defendants regarding the issues in the lawsuit, by mailing a request to the Claims Administrator (not the Court). You must state, in writing, your name, address and telephone number, and state that you want to be excluded from the Settlement. That request must be postmarked no later than \_\_\_\_\_, 201\_.

**Scheduled Hearing:** The U.S. District Court, Southern District of California, located at 221 West Broadway, San Diego, CA 92101, will conduct a hearing on whether to give final approval to the Settlement, and if so, will determine what fees and expenses should be awarded to Class Counsel and whether an incentive/service award should be awarded to each of the Class Representatives that brought this action. The hearing is presently scheduled for \_\_\_\_\_, 201\_, but may be changed without notice. Any Class Member may appear at this hearing with or without an attorney.

Visit: [www.\\_\\_\\_\\_\\_.com](http://www._____.com), Call: 1-800-\_\_\_\_\_;

Or Write: \_\_\_\_\_ Cellphone Settlement, c/o Kurtzman Carson Consultants, P.O. Box XXXX, El Segundo, CA 90245.

Para ver este aviso en español, visite [www.\\_\\_\\_\\_\\_.com](http://www._____.com)

**PLEASE DO NOT CONTACT THE COURT REGARDING THIS NOTICE**

**Address Side of Card:**

**LEGAL NOTICE**

**Erik Knutson v. Schwan's Home Services, Inc. et al.,  
Case No. 3:12-CV-00964-GPC-DHB  
If You Received a Cellphone call from  
Schwan's Home Services, Inc. or Customer Elation, Inc.  
Using An Automatic Telephone Dialing System  
Without Your Consent Between  
April 18, 2008 and August 31, 2012.**

**Your rights could be affected by a  
class action settlement**

A Settlement has been proposed in the lawsuit named above,  
which is pending in the United States  
District Court for the Southern District of California ("Court").

**Who Is Included?**

You are included in the Settlement as a "Class Member" if  
(1) you live in the United States and (2) you are a past or present customer of NutriSystem, Inc. who had or have a number assigned  
to a cellular telephone service, which number was called by **Schwan's Home Service, Inc.** or **Customer Elation, Inc.** using an  
automatic telephone dialing system and/or a prerecorded voice between **April 18, 2008** and **August 31, 2012**.

\*NSTR1-1234567\*

**John Doe  
123 Main Street  
Los Angeles, CA 91111**